

HALL COUNTY BOARD OF SUPERVISORS MEETING NOVEMBER 15, 2005

The Hall County Board of Supervisors met November 1, 2005, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Lancaster.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and County Attorney Mark Young Deputy County Attorney Michelle Oldham.

CONSENT AGENDA – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the November 1 meeting with corrections as stated (page 2 paragraph 8)
2. Accept and place on file the office reports from the County Sheriff, Clerk of the District Court, County Court, Hall & Howard County Juvenile Services
3. Accept and place on file the Hall County Treasurer's Miscellaneous Receipt
4. Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT
HALL COUNTY JUVENILE SERVICES
OCTOBER 2005

JUVENILE REFERRALS	30 JUVENILES
JUVENILE OFFENDERS	0 JUVENILE
JUVENILE HOUSE ARREST	2 JUVENILES
TOTAL UNDER SUPERVISION	210 JUVENILES
FEES COLLECTED	\$660.00

OFFICE REPORT
HOWARD COUNTY JUVENILE SERVICES
OCTOBER 2005

JUVENILE REFERRALS	5 JUVENILES
TOTAL JUVENILE ENROLLEES	84 JUVENILES
FEES COLLECTED FOR MONTH	\$300.00
TOTAL FEES COLLECTED FISCAL YEAR	\$800.00

OFFICE REPORT
COUNTY COURT
OCTOBER 2005

FINES (CO.)	\$ 49,353.49
OVERLOAD FINES	947.50
REIMBURSE SHERIFF FEES	1, 486.41
WORK RELEASE FEES	1,188.00
REIMBURSE FAX COPIES	8.00
FINES (CITY)	7,845.76
REIMBURSE WITNESS FEES	477.94
BOND FORFEITURES	3,999.72
REIMBURSE CO. FEES	199.00
TOTAL	\$65,505.82

OFFICE REPORT
CLERK OF THE DISTRICT COURT
OCTOBER 2005

COURT COSTS	\$2,161.00
10% BOND	1,055.00
FINES	195.00
PHOTO COPIES/FAX	299.00
INTEREST	620.16
BOARD OF PRISIONERS	1,239.00
BOND FORFEITURE	450.00

OFFICE REPORT
HALL COUNTY SHERIFF
SEPTEMBER 2005

TOTAL FEES MILEAGE & MISC	\$18,378.09
COPIES	96.00
HANDGUN APPLICATIONS	40.00
TITLE INSPECTIONS	3,420.00

DISCUSSION ON PASSPORT FEES – County Attorney Mark Young was present and provided the board members with a memo addressing the legal and factual issues concerning passport applications and fees. He stated that this is an unsettled and difficult issue to address. He advised the board to proceed cautiously and keep the passport applications available because they are following what was believed to be settled law. Exhibit B is the attorney general's opinion from Don Stenberg dated November 21, 1994; this also has ramifications on other offices. The attorney general's opinion from Jon Bruning dated October 4, 2005 is of another opinion. An Attorney General's Opinion does not have the force of law. He noted that now there is a county in Connecticut that has opened a passport office. Mr. Young stated that it is easier to be careful, keep the funds segregated and wait until there is a definite decision.

Mr. Young noted that on page four of his memo he listed the following options:

1 The Board could order that no County facility be used to process passports. He did not recommend that approach as the need for passports continues to grow locally and the need for a local passport office will increase. Discontinuation of the passport program would be a disservice to the public.

2 Some might suggest that the Board order the Clerk of the District Court's Office to continue to process passports for free. I do not believe the Board has any authority to order any elected official to do an additional job (see copies of Exhibits D, E and F)

Even if legal, an approach requiring the Clerk of the District Court to work for free would run contrary to the entirely appropriate practice of the Hall County Board of paying current county employees a second wage for doing other work for the County.

3 Negotiate an agreement with Ms. Bendixen to continue to run the passport application process and amend the appropriate budget line items accordingly. This approach has the value of continuing the passport program and reducing the risk of adverse litigation impacting the program in the County budget in the future

4 Keep the current passport fees (since August) segregated and wait for further clarification of the issues by the Federal Government, the Courts, the Unicameral or some combination thereof.

The County Board also received a letter from the State Auditors Office also addressing this issue.

In conclusion Mr. Young encouraged the board to consider two principles. First, no one should be forced to do an additional job without appropriate compensation and second, that providing a place to get passports locally is a public service and authorized by the Federal Statutes.

Lancaster stated the board is supportive of Ms. Benedixen's office and she was following what was thought to be the correct process. Arnold noted that there needs to be clarification on person and entity. Discussion was held on how to proceed.

Eriksen suggested referring this to a committee and look at the fees collected by all of the offices. There needs to be a county policy that fees from official duties should go to the general fund and should non-county duties be allowed during county time.

Jeffries made a motion and Hartman seconded to refer this issue to the audit committee and come back with a recommendation.

Lancaster asked if Ms. Bendixen had any comments. She stated that the passport fees are in a separate account. They use the fees that are collected for postage and also noted that the rules and regulations are now sent on a CD and it is necessary to print them so they have a hard copy of the updates. She will need to take these some where to have them printed so there will be a fee for that.

Vote on the motion to refer this to the audit committee was taken. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Chairman Lancaster called for public participation and Arnold stated that he received a call from Irene Abernethy stating that in her letter to the editor there was an error in her tenure on the crime commission.

6 DISCUSS AND TAKE ACTION ON RESOLUTION FOR AMENDMENT AND ADDENDUM TO NIRMA/NIRMAII INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS – Lancaster stated that Hall County has been with NIRMA for many years and there are no changes in the contract. Stacey Ruzicka is the NIRMA contact person for Hall County.

Hartman made a motion and Arnold seconded to approve Resolution #05-0058 a resolution for amendment and addendum to NIRMA/NIRMAII intergovernmental/interlocal agreements. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The board members reviewed the claims.

Arnold made a motion and Jeffries seconded to pay the publication fees of \$2,202.00, for the special election for the jail bond issue from the special election budget and to deny claim #530 in the amount of \$110.00. This claim is the responsibility of Health and Human Services. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

BOARD MEMBER'S REPORTS – Hartman – no report

Humiston – He attended the computer meeting and the weed board meeting.

Eriksen – He attended the Central District Health Board meeting and they are working on the action plans for the pandemic flu. They are looking at the septic system design and inspection policies for the county. There needs to be some type of oversight. This will also cover Merrick and Hamilton Counties.

Rye – He attended the Midland Area Agency on Aging meeting and the computer meeting.

Jeffries – He attended a park meeting and a building and grounds meeting. He reported that the asphalt at the Hall County Park is finished and there will be a final inspection on Thursday. There is still concern that the slopes are too steep to mow and is has been proposed to plant wildflowers on the slopes.

Arnold – no report

Lancaster – She noted that there will be a NIRMA phone seminar and encourage the board members to attend. She also attended a Workforce Development meeting.

Meeting adjourned the next meeting will be November 29, 2005

Marla J. Conley Hall County Clerk